

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 1:19-cv-1195-SCY-LF

MAHMOOD HURAB, R. PH.,
SYLVIA TELLEZ, C. PH, T., and
READY PHARMACY I, INC.,

Defendants.

**ANSWER TO COMPLAINT FOR VIOLATION OF THE
CONTROLLED SUBSTANCES ACT**

COMES NOW, Defendants Mahmood Hurab, Sylvia Tellez, and Ready Pharmacy I, by and through their counsel of record, GRAYSON LAW OFFICE, LLC (Brian G. Grayson, Esq.) and hereby files this Answer to Complaint for Violation of the Controlled Substances Act [Doc. 1], and states as follows:

1. Defendants admit the allegations contained in Paragraph 1 of the Complaint.

2. Defendants admit the allegations contained in Paragraph 2 of the Complaint.

3. Defendants admit the allegations contained in Paragraph 3 of the Complaint.

4. Defendants admit the allegations contained in Paragraph 4 of the Complaint except that Rede Pharmacy was sold in 2010 has nothing to do with Ready Pharmacy.

5. Defendants admit the allegations contained in Paragraph 5 of the Complaint.

6. Defendants admit the allegations contained in Paragraph 6 of the

Complaint.

7. Defendants admit the allegations contained in Paragraph 7 of the Complaint.

8. Defendants admit the allegations contained in Paragraph 8 of the Complaint.

9. Defendants admit the allegations contained in Paragraph 9 of the Complaint.

10. Defendants admit the allegations contained in Paragraph 10 of the Complaint.

11. Defendants admit the allegations contained in Paragraph 11 of the Complaint.

12. Defendants admit the allegations contained in Paragraph 12 of the Complaint.

13. The allegations of Paragraph 13 of the Complaint require a legal conclusion, and therefore no response is required. To the extent that this paragraph contains factual allegations against the Defendants, those allegations are denied.

14. The allegations of Paragraph 14 of the Complaint require a legal conclusion, and therefore no response is required. To the extent that this paragraph contains factual allegations against the Defendants, those allegations are denied.

15. The allegations of Paragraph 15 of the Complaint require a legal conclusion, and therefore no response is required. To the extent that this paragraph contains factual allegations against the Defendants, those allegations are denied.

16. The allegations of Paragraph 16 of the Complaint require a legal conclusion, and therefore no response is required. To the extent that this paragraph contains factual

allegations against the Defendants, those allegations are denied.

17. The allegations of Paragraph 17 of the Complaint require a legal conclusion, and therefore no response is required. To the extent that this paragraph contains factual allegations against the Defendants, those allegations are denied.

18. The allegations of Paragraph 18 of the Complaint require a legal conclusion, and therefore no response is required. To the extent that this paragraph contains factual allegations against the Defendants, those allegations are denied.

19. The allegations of Paragraph 19 of the Complaint require a legal conclusion, and therefore no response is required. To the extent that this paragraph contains factual allegations against the Defendants, those allegations are denied.

20. The allegations of Paragraph 20 of the Complaint require a legal conclusion, and therefore no response is required. To the extent that this paragraph contains factual allegations against the Defendants, those allegations are denied.

21. The allegations of Paragraph 21 of the Complaint require a legal conclusion, and therefore no response is required. To the extent that this paragraph contains factual allegations against the Defendants, those allegations are denied.

22. The allegations of Paragraph 22 of the Complaint require a legal conclusion, and therefore no response is required. To the extent that this paragraph contains factual allegations against the Defendants, those allegations are denied.

23. The allegations of Paragraph 23 of the Complaint require a legal conclusion, and therefore no response is required. To the extent that this paragraph contains factual allegations against the Defendants, those allegations are denied.

24. The allegations of Paragraph 24 of the Complaint require a legal conclusion, and therefore no response is required. To the extent that this paragraph contains factual

allegations against the Defendants, those allegations are denied.

25. The allegations of Paragraph 25 of the Complaint require a legal conclusion, and therefore no response is required. To the extent that this paragraph contains factual allegations against the Defendants, those allegations are denied.

26. The allegations of Paragraph 26 of the Complaint require a legal conclusion, and therefore no response is required. To the extent that this paragraph contains factual allegations against the Defendants, those allegations are denied.

27. The allegations of Paragraph 27 of the Complaint require a legal conclusion, and therefore no response is required. To the extent that this paragraph contains factual allegations against the Defendants, those allegations are denied.

28. The allegations of Paragraph 28 of the Complaint require a legal conclusion, and therefore no response is required. To the extent that this paragraph contains factual allegations against the Defendants, those allegations are denied.

29. Defendants admit the allegations contained in Paragraph 29 of the Complaint.

30. Defendants are without sufficient information to admit or deny the allegations of Paragraph 30 of the Complaint and therefore deny them, and demand strict proof thereof.

31. Defendants admit the allegations contained in Paragraph 31 of the Complaint.

32. Defendants admit the allegations contained in Paragraph 32 of the Complaint.

33. Defendants admit the allegations contained in Paragraph 33 of the Complaint.

34. Defendants admit the allegations contained in Paragraph 34 of the Complaint.

35. Defendants admit the allegations contained in Paragraph 35 of the Complaint.

36. The allegations of Paragraph 36 of the Complaint require a legal conclusion, and therefore no response is required. To the extent that this paragraph contains factual allegations against the Defendants, those allegations are denied.

37. Defendants admit the allegations contained in Paragraph 37 of the Complaint.

38. Defendants admit the allegations contained in Paragraph 38 of the Complaint.

39. Defendants are without sufficient information to admit or deny the allegations of Paragraph 39 of the Complaint and therefore deny them, and demand strict proof thereof. Defendants further state that these alleged substances appear to be ones that were scheduled to be destroyed.

40. Defendants admit the allegations contained in Paragraph 40 of the Complaint.

41. Defendants are without sufficient information to admit or deny the allegations of Paragraph 41 of the Complaint and therefore deny them, and demand strict proof thereof.

42. Defendants admit the allegations contained in Paragraph 42 of the Complaint.

43. Defendants admit the allegations contained in Paragraph 43 of the Complaint.

44. Defendants admit the allegations contained in Paragraph 44 of the Complaint.

45. Paragraph 45 of the Complaint requires a legal conclusion to which no response is require. To the extent there are factual allegations asserted, Defendants are without sufficient information to admit or deny the allegations of Paragraph 45 of the Complaint and therefore deny them, and demand strict proof thereof.

46. Defendants are without sufficient information to admit or deny the allegations of Paragraph 46 of the Complaint and therefore deny them, and demand strict proof thereof.

47. Defendants are without sufficient information to admit or deny the allegations of Paragraph 47 of the Complaint and therefore deny them, and demand strict proof thereof.

48. Defendants are without sufficient information to admit or deny the allegations of Paragraph 48 of the Complaint and therefore deny them, and demand strict proof thereof.

49. Paragraph 49 of the Complaint requires a legal conclusion to which no response is require. To the extent there are factual allegations asserted, Defendants are without sufficient information to admit or deny the allegations of Paragraph 49 of the Complaint and therefore deny them, and demand strict proof thereof.

50. Paragraph 50 of the Complaint requires a legal conclusion to which no response is require. To the extent there are factual allegations asserted, Defendants are without sufficient information to admit or deny the allegations of Paragraph 50 of the Complaint and therefore deny them, and demand strict proof thereof.

51. Paragraph 51 of the Complaint requires a legal conclusion to which no

response is require. To the extent there are factual allegations asserted, Defendants are without sufficient information to admit or deny the allegations of Paragraph 51 of the Complaint and therefore deny them, and demand strict proof thereof.

52. Paragraph 52 of the Complaint requires a legal conclusion to which no response is require. To the extent there are factual allegations asserted, Defendants are without sufficient information to admit or deny the allegations of Paragraph 52 of the Complaint and therefore deny them, and demand strict proof thereof.

53. Paragraph 53 of the Complaint requires a legal conclusion to which no response is require. To the extent there are factual allegations asserted, Defendants are without sufficient information to admit or deny the allegations of Paragraph 53 of the Complaint and therefore deny them, and demand strict proof thereof.

54. Paragraph 54 of the Complaint requires a legal conclusion to which no response is require. To the extent there are factual allegations asserted, Defendants are without sufficient information to admit or deny the allegations of Paragraph 54 of the Complaint and therefore deny them, and demand strict proof thereof.

55. Paragraph 55 of the Complaint requires a legal conclusion to which no response is require. To the extent there are factual allegations asserted, Defendants are without sufficient information to admit or deny the allegations of Paragraph 55 of the Complaint and therefore deny them, and demand strict proof thereof.

56. Paragraph 56 of the Complaint requires a legal conclusion to which no response is require. To the extent there are factual allegations asserted, Defendants are without sufficient information to admit or deny the allegations of Paragraph 56 of the Complaint and therefore deny them, and demand strict proof thereof.

57. Paragraph 57 of the Complaint requires a legal conclusion to which no

response is require. To the extent there are factual allegations asserted, Defendants are without sufficient information to admit or deny the allegations of Paragraph 57 of the Complaint and therefore deny them, and demand strict proof thereof.

58. Paragraph 58 of the Complaint requires a legal conclusion to which no response is require. To the extent there are factual allegations asserted, Defendants are without sufficient information to admit or deny the allegations of Paragraph 58 of the Complaint and therefore deny them, and demand strict proof thereof.

59. Paragraph 59 of the Complaint requires a legal conclusion to which no response is require. To the extent there are factual allegations asserted, Defendants are without sufficient information to admit or deny the allegations of Paragraph 59 of the Complaint and therefore deny them, and demand strict proof thereof.

60. Paragraph 60 of the Complaint requires a legal conclusion to which no response is require. To the extent there are factual allegations asserted, Defendants are without sufficient information to admit or deny the allegations of Paragraph 60 of the Complaint and therefore deny them, and demand strict proof thereof.

61. Paragraph 61 of the Complaint requires a legal conclusion to which no response is require. To the extent there are factual allegations asserted, Defendants are without sufficient information to admit or deny the allegations of Paragraph 61 of the Complaint and therefore deny them, and demand strict proof thereof.

62. Defendants are without sufficient information to admit or deny the allegations of Paragraph 62 of the Complaint and therefore deny them, and demand strict proof thereof.

63. Paragraph 63 of the Complaint requires a legal conclusion to which no response is require. To the extent there are factual allegations asserted, Defendants are

without sufficient information to admit or deny the allegations of Paragraph 63 of the Complaint and therefore deny them, and demand strict proof thereof.

64. Defendants admit the allegations contained in Paragraph 64 of the Complaint.

65. Defendants admit the allegations contained in Paragraph 65 of the Complaint.

66. Defendants admit the allegations contained in Paragraph 65 of the Complaint.

67. Paragraph 67 of the Complaint requires a legal conclusion to which no response is require. To the extent there are factual allegations asserted, Defendants are without sufficient information to admit or deny the allegations of Paragraph 67 of the Complaint and therefore deny them, and demand strict proof thereof.

68. There are no allegations asserted in Paragraph 68 of the Complaint.

69. Defendants deny the allegations contained in Paragraph 69 of the Complaint.

70. Defendants deny the allegations contained in Paragraph 70 of the Complaint.

71. Defendants deny the allegations contained in Paragraph 71 of the Complaint.

72. Defendants deny all allegations asserted in the Prayer for Relief section.

AFFIRMATIVE DEFENSES

1. The Complaint fails to state a claim upon which relief can be granted.
2. Plaintiff has failed to mitigate damages and to that extent they are not recoverable.

3. Plaintiff's claims are barred by the doctrines of laches, waiver, mistake, and/or estoppel.

4. Plaintiff has failed to prove it is legally entitled to recover any damages.

5. Plaintiff's claims are barred by the statute of limitations.

6. The fault of each Defendant, if any, must be compared to the fault of any others under the concepts of comparative fault and liability.

7. Defendants were denied due process of law under the Fifth and Fourteenth Amendments to the United States Constitution.

8. Plaintiff's claims and the damages sought violate the Eight Amendment to the United States Constitution.

9. Plaintiffs' actions violated the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments and therefore Plaintiff is barred from recovery as a result.

10. All allegations of the Complaint that are not expressly admitted are denied.

11. Defendants reserve the right to assert additional defenses as additional facts are learned through discovery.

WHEREFORE, Defendants, having fully answered the Complaint, pray for the Complaint to be dismissed with prejudice, and for all other relief that the Court deems just and proper.

TRILA BY JURY IS HEREBY DEMANDED

Respectfully Submitted,

GRAYSON LAW OFFICE, LLC

By s/ Brian G. Grayson

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Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of November, 2020, I caused the foregoing to be filed electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

JOHN C. ANDERSON
United States Attorney
Ruth Fuess Keegan, Esq.
Assistant United States Attorney
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s/ Brian G. Grayson

Brian G. Grayson, Esq.